

Application No. 10/645,055
Amendment dated SEPTEMBER 10, 2008
Reply to Office Action dated June 10, 2008

Amendments to the Drawings

Applicants enclose herewith one sheet of replacement formal drawings, including Figures 1-3.

Attachment: One Replacement Drawing Sheet

REMARKS

Applicants have carefully reviewed the Office Action mailed on June 10, 2008. Applicants respectfully traverse (and do not concede) all objections, rejections, adverse statements, and adverse assertions made by the Examiner. With this amendment, the drawings and claims 1, 10, 12, 17, 27, 43, and 44 are amended. No new matter is added. Please cancel claims 6-7 without prejudice. Claims 1-5, 8, 10, 12, 14, 17, 27, 28, and 43-45 remain pending.

Elections/Restrictions

The Examiner has asserted that restriction to one invention is required under 35 U.S.C. §121. A provisional election of invention I, corresponding to claims 1-38 and 43-45, was made on May 30, 2008. Applicants hereby affirm this election.

Drawing Objections

The Examiner indicated that drawings are objected to because in Figure 2, the reference character T_{IC} is used to denote the thickness of the outer layer in the cone portion, but in the specification it refers to the inner layer of the cone portion. Applicants append herewith a replacement sheet of drawings where reference character T_{IC} is used to denote the thickness of the inner layer of the cone portion. This is consistent with the specification. Applicants respectfully submit that this amendment overcomes the objection.

Specification Objections

The specification is objected to because of informalities. The Examiner indicated that Trademarks should be capitalized. Page 4 and page 17 of the specification are amended to capitalize trademarks. Applicants respectfully submit that this amendment overcomes the objection.

In addition, the Examiner indicated that the related applications should be updated to include serial numbers and statuses. The specification is amended to update the related applications on page 1 and on page 17. Applicants respectfully submit that this amendment overcomes the objection.

Claim Rejections Under 35 U.S.C. §112

Claims 6, 7, and 17 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Regarding claims 6 and 7, the Examiner indicated that these claims recite the limitation of “a first portion of the body portion” which does not have antecedent basis within the specification. Without conceding the merits of the rejection, claims 6-7 are now canceled to be consistent with claim 1, the later being amended as described below. These cancellations render the rejection of claims 6-7 moot.

Regarding claim 17, the Examiner indicated that this claim recites the limitation “the balloon has a body portion and a cone portion that are more flexible than the body portion”. Claim 17 is amended to recite that the cone portion is more flexible than the body portion. Applicants respectfully submit that this amendment overcomes the rejection.

Claim Rejections Under 35 U.S.C. §102

Claims 1-8, 10, 12, 14, 17, 27, 28, and 43-45 are rejected under 35 U.S.C. §102(b) as being anticipated by Nazarova et al. in U.S. Patent Application Pub. No. US 2001/0019762. As indicated above, claims 6-7 are now cancelled. Regarding claims 1-5, 8, 10, 12, 14, and 17, claim 1 is amended to recite that the balloon has a body portion and a cone portion and wherein the first portion has a greater thickness at the body portion than at the cone portion. Claims 10, 12, and 17 are amended to be consistent with amended claim 1. The cited art does not appear to teach or suggest all the limitations of amended claim 1. Instead, the thickness of either the coating and/or the wall 18 appears to be smaller in thickness (not greater than as claimed) at the body portion than at the cone portion. Based on this distinction, Applicants respectfully submit that amended claim 1 is patentable over the cited art. Because claims 2-5, 8, 10, 12, 14, and 17 depend from claim 1, they are also patentable based on the amendment to claim 1 and because they add significant elements to distinguish them further from the art.

Regarding claims 27 and 28, claim 27 is similarly amended to recite that the first layer of polymer has a thickness in the body portion greater than a thickness in the cone portion. The cited art does not appear to teach or suggest these limitation. For reasons similar to those set

forth above in relation to claim 1, Applicants respectfully submit that this amendment distinguishes claim 27 as well as claim 28 depending therefrom from the cited art.

Regarding claims 43-45, claim 43 is similarly amended to recite that at least one of the layers varies in thickness axially along the balloon and includes a first thickness adjacent a waist portion of the balloon and a second thickness greater than the first thickness adjacent a body portion of the balloon. Claim 44 is amended to be consistent with amended claim 43. For reasons similar to those set forth above in relation to claims 1 and 27, Applicants respectfully submit that this amendment distinguishes claim 43 as well as claims 44-45 depending therefrom from the cited art.

Conclusion

Reexamination and reconsideration are requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is also respectfully requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,
DOUGLAS A. DEVENS, Jr. et al.

By their Attorney,

Date: _____

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